

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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FEDERAL TRADE COMMISSION, )  
                                  )  
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Plaintiff,                  )  
                                  )  
v.                             ) Civil Action No. 04-CV-11136GAO  
                                  )  
                                  )  
DIRECT MARKETING CONCEPTS, INC., )  
et. al,                        )  
                                  )  
Defendants.                 )  
                                  )  
\_\_\_\_\_)

**AFFIDAVIT OF KAREN CUSHMAN**

AFFIDAVIT OF KAREN CUSHMAN

- 1) My name is Karen Cushman and I reside in Massachusetts. I make this affidavit on the basis of my own personal knowledge of the facts set forth herein and could testify competently thereto if called to do so.
- 2) Richard Cushman and I were married in November of 2000 and we have one child together. Since that time, I have filed for divorce in Massachusetts and the divorce action is still pending. I filed for divorce because Mr. Cushman demonstrated over time that he was extremely unstable and had made threats against me and my family. He also threatened to take my son away from me.
- 3) Because of Mr. Cushman's threats in the past, I have obtained a restraining order against Mr. Cushman, which is still in force.
- 4) Richard Cushman has a volatile temper and vindictive nature which is clearly demonstrated by his extensive criminal background. In approximately 1995/early 1996, Mr. Cushman set fire to his ex-girlfriend's father's car and garage and was arrested and charged with arson related crimes and intimidating witnesses. Mr. Cushman was convicted and served two years in jail for this crime. Mr. Cushman told me he committed this crime because he felt that his ex-girlfriend's father was responsible for their breakup. Mr. Cushman has also been arrested for burglary for breaking and entering a personal residence and stealing.
- 5) In addition to the threats that Mr. Cushman has made against me personally, which supported the restraining order, he has also made multiple threats against Donald Barrett, who is married to my sister. In addition to threats against Donald personally, he has repeatedly threatened to do or say whatever he could to shut down Donald Barrett's businesses, Direct Marketing Concepts and ITV Direct. In my opinion, Mr. Cushman

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has an extreme personal bias against Donald Barrett because he and my sister have given me help and support during my separation and divorce proceedings against Mr. Cushman. They also supported my efforts to obtain a restraining order against Mr. Cushman.

6) I have also been told by other friends and family that Mr. Cushman has made threats to them about his determination to shut down Donald's company. Mr. Cushman has told me and others that he would seek revenge on me and my family in whatever way he could. I also know that Cushman has left Donald Barrett threatening voicemails and has threatened to confront Mr. Barrett at various events. I recall that he threatened to disrupt the company's Christmas party and because of his extensive criminal background the Middleton police sent two officers to protect the guests at the party, including Donald Barrett.

7) Mr. Cushman has also threatened to commit suicide on at least one occasion, blaming me, my family and Donald Barrett for ruining his life. It is my opinion that Mr. Cushman would do or say anything, including lying about Donald Barrett and his companies, if he believed it would harm me or Mr. Barrett.

8) I currently work for DMC and ITV as manager of operations. I had a close working relationship with Mr. Cushman until he was fired by the company. His claims about his job description and the operations of the call center are untrue. First, he was never a "manager" of quality control in any true supervisory capacity. Rather, he had the very limited role of working a small group of sales personnel. Based on records that I have reviewed, during Mr. Cushman's short time working in quality control, he may have monitored one or two calls a day, out of thousands that were received by the company. In my opinion, his statements about widespread practices are not credible.

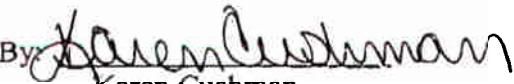
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9) Mr. Cushman's statements about conversations with customers appear to be untrue. In his role of quality control his function was to monitor our sales representatives not to contact customers. In addition, DMC and ITV have strict policies and procedures in place to prevent abuse of the autoship commission structure. These procedures include complete disclosure of the terms of the program and documented assent by the customer. Also, any customer is free at any time to cancel their order if they are not completely satisfied.

10) During the time that Mr. Cushman was employed by DMC, he repeatedly failed at the tasks he was assigned. The reason that Mr. Cushman held "several different positions" at DMC was because he had to be frequently moved for performance reasons. Mr. Cushman kept his job with the company and was repeatedly given additional chances to correct his behavior because of his relationship with me and my family.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of June, 2004 at Beverly, Massachusetts.

By   
Karen Cushman

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